

REMARKS

Status of the Claims

Claims 20-37 are pending. Claims 12-14 and 19 are canceled without prejudice or disclaimer to the subject matter therein. Support for the amendments may be found throughout the specification and original claims as filed. *See, e.g.*, page 13, lines 17-20; page 22, lines 18-26; page 23, lines 9-17; page 28, lines 17-19.

Rejections Under 35 U.S.C. § 102(b)

Claims 12-14 and 19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,420,534 (“the ’534 patent”).

Claims 12-14 and 19 are canceled, thereby rendering this rejection moot. Applicant, however, provides the following comments.

The Office Action interprets Applicant’s previous claims as encompassing antibodies that bind “any” epitope of a polypeptide comprising SEQ ID NO: 3, such as antibodies that bind only part of SEQ ID NO: 3 and include exon 4. The Office Action suggests that Applicant amend the claims to define the antigenic specificity.

New claims 20-37 are directed to antibodies, fragments or derivatives thereof that selectively bind polypeptides comprising specific BACE455 polypeptides¹ (e.g., SEQ ID NO: 5), said antibodies, fragments or derivatives binding an epitope created by the junction of exon 3 and exon 5. These claims require that the antibodies, fragments or derivatives bind an epitope *created by the junction of exon 3 and exon 5*, i.e., do not bind an epitope including exon 4. The claims also require that the antibodies, fragments or derivatives thereof *selectively* bind BACE455 polypeptides, i.e., specifically bind BACE455 polypeptides, but do not specifically bind non-BACE 455 polypeptides.

The ’534 patent does not disclose such antibodies, fragments or derivatives thereof. Rather, the ’534 patent discloses antibodies that bind to huAsp2(b) (SEQ ID NO: 6 of the ’534 patent). HuAsp2(b) contains exon 4, and therefore exons 3 and 5 are not joined. As such, the ’534 patent does not disclose antibodies, fragments or derivatives binding an epitope created by the junction of exon 3 and exon 5, nor does the ’534 patent disclose antibodies, fragments or derivatives that

¹ BACE455 polypeptides and antibodies that selectively bind BACE455 polypeptides are discussed throughout the specification. *See, e.g.*, Specification, page 5, line 34 to page 6, line 3; page 13, lines 17-23; page 22, lines 18-21; page 23, lines 9-17.

selectively bind a polypeptide comprising SEQ ID NO: 5. Accordingly, the '534 patent does not anticipate any of the claims.

Claims 12-13 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,583,275 ("the '275 patent").

Claims 12-13 are canceled, thereby rendering this rejection moot. Applicant, however, provides the following comments.

Claim 20, for example, is directed to antibodies, fragments or derivatives thereof that selectively bind polypeptides comprising the amino acid sequence of SEQ ID NO: 5 (EIARIIGG), said antibodies, fragments or derivatives binding an epitope created from the junction of exon 3 and exon 5. The '275 patent does not teach such antibodies, fragments or derivatives thereof. Indeed, '275 patent fails to disclose, *inter alia*, a polypeptide comprising the amino acid sequence of SEQ ID NO: 5. Accordingly, the '275 patent does not anticipate any of the claims.

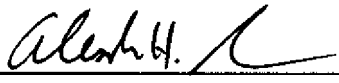
CONCLUSION

In view of the above remarks, early notification of a favorable consideration is respectfully requested. An indication of allowance of all claims is respectfully requested.

Respectfully submitted,
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